

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

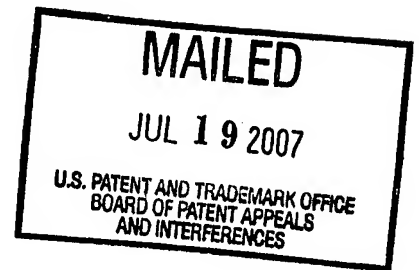
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Ex parte DAVID C. STREULI and  
LINDA C. FOLTIS

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Appeal 2007-2527  
Application 10/643,238

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**ORDER DISMISSING APPEAL**

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On April 19, 2006, the Examiner entered a Final rejection of claims 2-6 on appeal. On July 18, 2006, Appellants filed a Notice of Appeal. A Non-Compliant Appeal Brief was filed by Appellants on August 7, 2006; and a Supplemental Appeal Brief was filed on September 18, 2006. In response, an Examiner's Answer was mailed on December 13, 2006. On page 3 of the Answer, the Examiner entered a "NEW GROUND(S) OF REJECTION" heading. Moreover, the Examiner stated on page 16 of the Answer that in order to avoid *sua sponte* dismissal of the appeal, Appellants must within **TWO MONTHS** from the date of this Answer respond either by (1) reopening prosecution by filing a reply under 37 C.F.R. § 1.111 or by (2) maintaining appeal by filing a reply brief as set forth in 37 C.F.R. § 41.41.

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A review of this Application reveals that the time period for Appellants to respond has expired.

Accordingly, it is

ORDERED that this appeal is dismissed for failure to respond to the Examiner's Answer mailed on December 13, 2006.

The application is being returned to the Examiner for further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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Patrick J. Nolan  
Deputy Chief Appeals Administrator  
(571)272-9797

International Specialty Products  
Attn: William J. Davis, Esq.  
Legal Dept. Bldg. 10  
1361 Alps Road  
Wayne, IN 07470

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